

REMARKS

In the recent official action, Applicants sensed that the Examiner was unclear about what kinds of instructions and data were being passed back and forth between the configuring computer and the instrument for determining the concentration of the medically significant component of a body fluid or control. The claims have all now been amended to recite that the instructions being passed from the configuring computer to the instrument are "instructions for determining the concentration of the medically significant component of the body fluid or control," the data being passed from the configuring computer to the instrument are "data for configuring said instrument for determining the concentration of the medically significant component of the body fluid or control," the instructions being passed from the instrument to the configuring computer are "instructions concerning determined concentration of a medically significant component of a body fluid," and the data being passed from the instrument to the configuring computer are "data concerning determined concentration of a medically significant component of a body fluid." Reconsideration of the rejection of claims 1-32 is sought on the basis of these clarifying amendments.

The Examiner rejected claims 1-32 under 35 U. S. C. § 102. The Examiner relied upon Goodman U. S. Patent 5,827,180 (hereinafter Goodman). However, the above noted amendments, in addition to clarifying the meaning and intent of the claims, clearly take the claims out of the ambit of Goodman. For example, claim 1, the only independent claim in the application, now recites

[a] method of configuring a hand-held instrument [] comprising providing *a configuring computer* having a first port for transmitting to the hand-held instrument [] at least one of *instructions for configuring the hand-held instrument for determining the concentration of the medically significant component of the body fluid or control and data for configuring the hand-held instrument for determining the concentration of the medically significant component of the body fluid or control*, providing on the instrument a second port for receiving from the configuring computer said at least one of *instructions for configuring the hand-held instrument for determining the concentration of the medically significant component of the body fluid or control and data for configuring the hand-held instrument for determining the concentration of the medically significant component of the body fluid or control*, connecting said first port directly to said second port, *transmitting said one of instructions for configuring the hand-held instrument for determining the concentration of the medically significant component of the body fluid or control and data for configuring said instrument for determining the concentration of the*

medically significant component of the body fluid or control from said first port directly to said second port, receiving said one of instructions for configuring the hand-held instrument for determining the concentration of the medically significant component of the body fluid or control and data for configuring said instrument for determining the concentration of the medically significant component of the body fluid or control directly from said first port at said second port, and configuring said instrument according to said one of instructions for configuring the hand-held instrument for determining the concentration of the medically significant component of the body fluid or control and data for configuring said instrument for determining the concentration of the medically significant component of the body fluid or control transmitted from said first port and received at said second port.

Particularly the italicized elements of claim 1 are neither disclosed nor suggested by Goodman. Accordingly, the 35 U. S. C. § 102 rejection based upon Goodman is overcome. Favorable consideration of claims 1-32, as amended herein, culminating in allowance, is respectfully requested.

Applicants hereby petition for a one month extension of the period for response to the July 2, 2007 official action to November 2, 2007, and authorize the Commissioner to charge the fee for a one month extension of the period for response, as well as any additional fees which may be required to constitute this a timely response to the July 2, 2007 official action, to Applicants' undersigned counsel's deposit account 10-0435 with reference to file 5727-65998.

Respectfully submitted,



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